

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q94121

Masao SUDOH, et al.

Appln. No.: 10/574,477

Group Art Unit: 1621

Confirmation No.: 2361

Examiner: Sudhakar KATAKAM

Filed: January 9, 2007

For: DRUG CONTAINING (2R)-2-PROPYLOCTANOIC ACID AS THE ACTIVE
INGREDIENT

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98**

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

One copy of each of the listed documents is submitted herewith, except for the following: U.S. patents and/or U.S. patent publications; and co-pending non-provisional U.S. applications filed after June 30, 2003.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after filing a request for continued examination (RCE) under §1.114, and therefore, no Statement

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under 37 C.F.R. § 1.97(c) or fee under 37 C.F.R. § 1.17(p) is required. However, since a Statement under 37 C.F.R. § 1.97(c) can be made, a Statement is submitted herewith.

Applicant encloses herewith a copy of a Communication from a foreign patent office in a counterpart application (European Office Action dated March 12, 2010 in European application no. 04792177.0) citing the listed documents, and indicating the degree of relevance found by the foreign patent office. Additionally, EP 1415668 corresponds to WO 03/007922 and EP 1153910 corresponds to WO 00/48982. Each of WO '922 and WO '910 were previously cited in the IDS filed April 3, 2006.

JP-A-2002-097158, JP-A-08-291106, and JP-A-07-082146, cited and discussed in the European Office Action, were previously submitted as part of an Information Disclosure Statement filed on April 3, 2006, and thus are not being listed in the present IDS.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/Susan J. Mack/

Susan J. Mack
Registration No. 30,951

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON DC SUGHRUE/265550

65565

CUSTOMER NUMBER

Date: June 11, 2010